

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KAREN GREEN and M.G., a minor,

No. 4:18-CV-02218

Plaintiffs,

(Judge Brann)

v.

MOUNT CARMEL AREA
SCHOOL DISTRICT, *et al.*,

Defendants.

ORDER

APRIL 24, 2019

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendants' First Motion to Dismiss, ECF No. 8, is **DENIED** as moot.
2. Defendants' Second Motion to Dismiss, ECF No. 13, is **GRANTED** in part as follows:
 - a. Counts I, II, III, and IV of Plaintiffs' Amended Complaint, ECF No. 12, are **DISMISSED WITHOUT PREJUDICE**. Within 14 days of the date of this Order, Plaintiffs **MAY FILE** a second amended complaint to correct the deficiencies identified in the accompanying Memorandum Opinion.

- b. Counts V and VI of Plaintiffs' Amended Complaint, ECF No. 12, are **DISMISSED WITHOUT PREJUDICE** to Plaintiffs to either assert those claims in a state court of competent jurisdiction, or to reassert those claims in this Court as part of any second amended complaint filed in accordance with this Order.
- c. If Plaintiffs do not file a second amended complaint within 14 days of the date of this Order, the Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge